

*14* 14. (Twice Amended) A method of operating a contract exchange to provide a market place for the trade of contracts on which options are held, the trade taking place between investors comprising the steps of:

5 providing a cash depositing facility comprising a computer based cash management fund having depositing accounts into which said investors deposit funds, and from which said investors assign at least part of their deposited funds, known as assigned funds, for the opening of said contracts;

providing an automated real time screen trading system accessible by said investors using personal computers to trade contracts in said market place; and

10 providing a clearing house computer electronically linked to said cash depositing facility and said automated real time trading system;

*b1* operating said clearing house computer in the contract exchange to control the operation of said market place;

15 requiring that each investor has sufficient assigned funds available to cover a proportion of the price of a contract, as determined by a leveraging ratio applied to that contract, before allowing that investor to open that contract;

20 creating an indivisible financial package contract between a first party investor that takes a long position in the contract and a second party investor that takes a short position in the contract, both of whom, as a result of the creation of said indivisible financial package contract, become the beneficial owners of the proceeds of a binding obligation requiring a cash settlement based on a settlement price of a specific quantity of a specified type of product at an agreed price, place and time;

trading contracts between first and second party investors who choose to trade;

25 recording incremental contract price changes causing the first and second party investors to gain or lose the entire change in the value of the contracts held,

resulting from the price changes depending on whether they hold long positions or short positions;

30 transferring said entire value changed from the losing one of the first and second party investors assigned funds and into the gaining one of the first and second party investors assigned funds after each said trading event;

exercising said options to dispose of some or all of a first party or counter party investor's contracts when their assigned funds become insufficient to cover said proportion of the value of the contracts they hold after a trading event, but if it is not possible to dispose of the contracts, then when the value changes such that one of the first or second party investor's assigned funds are reduced to zero, closing all that investor's contracts at that price, and simultaneously closing all the contracts held by the other of the parties at the same price without requiring acknowledgment by either party.

### REMARKS

Applicant has carefully reviewed the Office Action dated July 25, 2002. Applicant has amended Claim 14 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 14-16 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over the *OTOB* reference in view of *Coote* reference. This rejection is respectfully traversed with respect to the amended claims.

The Examiner has set forth the relevance of the *OTOB* reference with all aspects except that it does not explicitly show that, if the funds become insufficient, that the investor's contract will be closed out. However, the Examiner did not note that what the *OTOB* does not disclose is the fact that not only

### **AMENDMENT AND RESPONSE**

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